

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

GLEN ALLEN DOSS,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:08CV227-P

BOYD TUNICA, INC.,

DEFENDANT.

ORDER

These matters come before the court upon the defendant's July 30, 2010 motion in *limine* regarding Marc Silverberg and Kimyata Randall [48] and omnibus motion in *limine* [49]; the plaintiff's motions to strike those motions in *limine* [50,51], and the plaintiff's motions for additional time to respond to the motions in *limine* [52,53]. After due consideration of the motions, the court finds as follows, to-wit:

Local Rule 7.2(b)(4) requires motions in *limine* to be filed ten calendar days before the pretrial conference. In this instance, both of the subject motions in *limine* were filed at least five months after the deadline.

The court concludes that the reasons given by the defendant regarding the timeliness of the motion seeking to exclude testimony of two of the plaintiff's witnesses, Mark Silverberg and Kimyata Randall, justify allowing the motion despite its untimeliness. Accordingly, the court will consider arguments on this motion on the day of trial.

The court concludes that the omnibus motion in *limine* should be stricken as untimely. Thus, the court declines to give a pretrial ruling on the matters discussed in the motion not only because of its untimeliness, but also because there is no reasonable time to allow the plaintiff to respond before trial this coming Monday. Accordingly, the defendant will have to make these objections during trial.

Since trial begins this coming Monday – today being Thursday – the court concludes that the plaintiff’s motions for more time to respond to the motions *in limine* should be denied as moot. The court will consider the plaintiff’s responses at trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The court will defer ruling on the defendant’s July 30, 2010 motion in *limine* regarding Marc Silverberg and Kimyata Randall [48] and matters referenced in the defendant’s omnibus motion *in limine* [49] until trial;

(2) The plaintiff’s motion to strike the omnibus motion *in limine* [51] is **GRANTED**;

(3) The plaintiff’s motion to strike the defendant’s motions *in limine* [50] regarding Marc Silverberg and Kimyata Randall is **DENIED**; and

(4) The plaintiff’s motions for additional time to respond to the motions *in limine* [52,53] are **DENIED** as moot.

SO ORDERED this the 5th day of August, A.D., 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE